



Howrey Dkt. No.: 02578.0006.00US00

RCE/2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Scott A. Chalmers, et al.**

Application No.: 09/611,219

Filed: July 6, 2000

For: **METHOD AND APPARATUS FOR  
HIGH-SPEED THICKNESS MAPPING  
OF PATTERNED THIN FILMS**

Art Unit: 2877

Examiner: Hoa Q. Pham

**TRANSMITTAL FOR REQUEST FOR CONTINUED EXAMINATION**

***Mail Stop RCE***

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Request for Continued Examination (RCE) Transmittal;
- ☒ Request for Continued Examination and Preliminary Amendment;
- ☒ Petition for Extension of Time (two-months); and
- ☒ Reply Postcard

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 30, 2004  
Date of Deposit

Robin L. Clow  
Name of Person Mailing Paper

R. Clow  
Signature of Person Mailing Paper

The fees due are calculated as follows:

Filing Fee for RCE Application (37 C.F.R. § 1.17(e))	\$385.00
Extension of time fees under 37 C.F.R. § 1.17	210.00
<b>TOTAL FEES SUBMITTED HEREWITH</b>	<b>\$595.00</b>

The U.S. Patent and Trademark Office is hereby authorized to charge the requisite fee, believed to be \$595.00 to our Deposit Account No. **08-3038**, referencing Docket No. **02578.0006.00US00**. A duplicate copy of this transmittal is enclosed.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **08-3038**.

If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be charged to our Deposit Account No. **08-3038**.

Respectfully submitted,

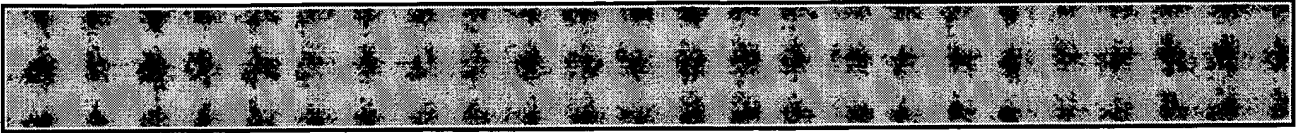
HOWREY SIMON ARNOLD & WHITE, LLP



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Date: March 30, 2004

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### NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

#### **Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

#### **Filing Requirements:**

***Prosecution in the application must be closed.*** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

***A submission and a fee are required at the time the RCE is filed.*** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

### WARNINGS:

#### **Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

#### **Improper RCE will NOT toll Any Time Period:**

***Before Appeal*** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

***Under Appeal*** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

**See MPEP 706.07(h) for further information on the RCE practice.**